

MEMORIAL RESOLUTIONS

S.C.R. 19 - By Brooks: Memorial resolution for Chaplain Joe P. Self, Jr.

S.R. 65 - By Montford: Memorial resolution for Alvin R. Allison.

CONGRATULATORY RESOLUTIONS

S.R. 62 - By Tejeda: Extending congratulations to the Bradley Middle School.

S.R. 63 - By Tejeda: Extending congratulations to Mr. and Mrs. Charles Hudspeth, Jr., on their 50th wedding anniversary.

S.R. 66 - By Parker: Extending congratulations to Our Mother of Mercy Catholic Church on its 50th anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:08 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(July 7, 1987)

S.C.R. 12

SEVENTH DAY

(Wednesday, July 8, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty God, we render Thee our thanks for all the good of this day and for giving us our daily bread. May each one begin the session encouraged for all its duties and its privileges. Grant the additional where-with-all to those who occupy leadership positions and put conscience and heart into the performing of the several tasks. All of which we ask through Jesus Christ Our Lord. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 47

S.B. 40

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Paul W. Hillier, Jr., Dallas County.

To be a Member of the TEXAS BOARD ON AGING: Dr. Gary R. Cook, McLennan County.

To be Members of the CREDIT UNION COMMISSION: Donald Greg Storch, Harris County; Jimmy F. Sasser, Hidalgo County.

To be a Member of the BOARD OF DIRECTORS, NUECES RIVER AUTHORITY: Kenneth B. Shackelford, Real County.

To be Members of the BOARD OF DIRECTORS, RIO GRANDE VALLEY MUNICIPAL WATER AUTHORITY: Charles Caesar Cardenas, Hidalgo County; Connie de la Garza, Cameron County; Dr. Joseph B. Coulter, Cameron County; Mrs. Sylvia H. Flores, Hidalgo County; Roel R. Ramirez, Starr County; John W. Topp, Cameron County; Russell Fred Klostermann, Willacy County.

To be a Member of the TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS: Don R. Windle, Denton County.

MESSAGE FROM THE HOUSE

House Chamber
June 8, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 64, Relating to the tuition rate applicable to certain scholarship students.

H.C.R. 62, Granting the 70th Legislature, 2nd Called Session, permission to adjourn from Wednesday, July 8, 1987, to Monday, July 13, 1987.

H.C.R. 61, Designating September 11, 1987, as 9-1-1 Emergency Number Day in Texas.

S.C.R. 4, Congratulating Ruthelle Duke Wilson for winning the Florence Nightingale Medal from the International Red Cross.

H.C.R. 27, Creating the Joint Select Committee on Workers' Compensation Insurance.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL AND RESOLUTIONS ON FIRST READING

The following bill and resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 48, To Committee on Administration.

H.C.R. 49, To Committee on Administration.

H.C.R. 17, To Committee on Administration.

H.B. 64, To Committee on Finance.

SENATE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 58 by Jones

Finance

Relating to limitations on the combined rate of municipal, county, and other local sales and use taxes.

S.J.R. 6 by Lyon

State Affairs

Proposing a constitutional amendment providing that certain justice precincts may contain more than one justice of the peace court.

SENATE RESOLUTION 60

Senator Glasgow offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor one of its most outstanding employees, Gay Curry, who has served with great distinction as Chairperson of the Senate Staff Development Committee; and

WHEREAS, Created in September, 1974, the Staff Development Committee has worked toward the personal and professional development of Senate employees resulting in increased efficiency and productivity; and

WHEREAS, Appointed by and under the jurisdiction of the Secretary of the Senate, the chairperson works independently, though all committee activities are approved by and cleared with the Secretary of the Senate; and

WHEREAS, A valued and esteemed Senate employee since January 9, 1973, Mrs. Curry was appointed chairperson September 1, 1983; and

WHEREAS, Working tirelessly in a position requiring great tact and diplomacy, Mrs. Curry established a series of programs emphasizing job training and professional development that greatly benefitted all participants; and

WHEREAS, Under her expert guidance and skilled leadership, the committee activities were broadened to include professional development, personal development, charitable activities, and social activities; and

WHEREAS, All Senate employees will sorely miss her dedication and enthusiasm when her term of office expires on August 31, 1987; and

WHEREAS, Her outstanding work on behalf of all Senate employees is truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend Gay Curry for service above and beyond the call of duty as chairperson of the Senate Staff Development Committee; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of highest regard and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Glasgow introduced Mrs. Curry to the Senate and escorted her to the President's Rostrum for a presentation of an enrolled copy of S.R. 60 by the President.

SENATE RESOLUTION 68

Senator Brown offered the following resolution:

S.R. 68, In memory of Police Sergeant Ronald Slockett of Sugar Land who was slain in the line of duty.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown, the resolution was adopted by a rising vote of the Senate.

GUEST PRESENTED

Senator Barrientos was recognized and introduced the Capitol Physician for the Day, Dr. John Weaver of Austin.

Dr. Weaver, welcomed by the Senate, received the appreciation of the Senate for serving again today.

HOUSE CONCURRENT RESOLUTION 62

The President laid before the Senate the following resolution:

H.C.R. 62, Granting either House permission to adjourn from Wednesday, July 8, 1987, to Monday, July 13, 1987.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

HOUSE CONCURRENT RESOLUTION 57

The President laid before the Senate the following resolution:

WHEREAS, The late Welma Morphew Aikin was widely recognized as an educator, conservationist, and leader in the movement to preserve and beautify the environment; and

WHEREAS, Born October 2, 1908, in Boswell, Oklahoma, she acquired an early love of nature from her father, M. D. Morphew, a prominent forester, and her mother, Lula M. Sissel Morphew, an accomplished hybridizer of day lilies and irises; and

WHEREAS, The Morphew family moved to Paris, Texas, in 1925, and in 1927, Welma was awarded an associate of arts degree from Paris Junior College; and

WHEREAS, On May 25, 1929, she became the bride of A. M. Aikin, Jr., beginning what was to be a long and rewarding marriage for both; with the loving support of her husband, Mrs. Aikin continued to pursue her interest in education, first as a teacher in the DeKalb Public Schools and later as principal of the Glory Rural School in Lamar County, where she served until 1934; a lifelong scholar, she earned a bachelor of arts degree from East Texas State University in 1935, and a master's degree in Spanish from The University of Texas at Austin in 1946; and

WHEREAS, Mrs. Aikin's strong educational background also served as an asset to her husband; as a prominent Texas senator and member of the legislature for 46 years, A. M. Aikin, Jr., was instrumental in drafting the Gilmer-Aikin law, which set a formula for teachers' salaries and did much to upgrade education in Texas generally; and

WHEREAS, Affectionately known as "Miss Welma," Mrs. Aikin gave unstintingly of herself to a variety of worthy causes and concerns; in 1959, she was appointed to the board of regents for the Paris Junior College District, and under her leadership the first landscape plans were designed for the new college campus on Clarksville Street in southeast Paris; and

WHEREAS, An active member of the Garden Club of Paris, Mrs. Aikin worked diligently to promote such valuable programs as garden therapy, high school

gardeners, beautification projects, and many other community-enhancing efforts; she was especially noted for her work with handicapped students and served for several years as the garden therapy chairwoman for Texas Garden Clubs, Inc.; and

WHEREAS, A life member of both state and national garden clubs, Mrs. Aikin generously shared her time and expertise with many; over the years, she served Texas Garden Clubs, Inc., in a variety of roles, including governor, vice-president, assistant state treasurer, and finally as state president; a member of the executive committee of the National Council of State Garden Clubs, she also guided 1,300 Texas clubs in the cooperative effort to landscape the Governor's Mansion in Austin; and

WHEREAS, Her outstanding work in the area of gardening did not go unrecognized; she was awarded a Bronze Seal by the National Council of State Garden Clubs for her work on the Governor's Mansion project, and was named "Garden Club Woman of the Year" at the 1969 Texas State Fair; during her tenure as state president, she was honored with a scholarship fund in her name, and a second scholarship fund was later established in her honor at Paris Junior College; and

WHEREAS, Throughout her busy life, this remarkable woman remained devoted to her family; an excellent hostess, one of her favorite pleasures was preparing meals for her frequent guests, especially her son, A. M. "Bobby" Aikin III, and her four grandchildren, Robert, Matthew, Tracie, and Christopher; and

WHEREAS, In Mrs. Aikin's own words, "The planting of flowers to brighten the heart of a city may not accomplish an environmental revolution, but it can certainly lead to a new awareness on the part of citizens toward their environment—a way of looking at and living in the world about us and deeply caring for it"; Welma Aikin's rare vision opened a world of beauty to many; her lasting legacy remains in the trees and flowers that will be enjoyed and treasured for generations to come; and

WHEREAS, On October 2, 1987, a memorial marker recognizing Mrs. Aikin will be dedicated in Bywaters Park in Paris; the marker is being placed by the Paris Council of Garden Clubs and friends; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas join the city of Paris in paying tribute to the memory of this exceptional lady by recognizing October 2, 1987, as "Welma Aikin Day" in Paris, Texas; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Paris Council of Garden Clubs as an expression of high esteem from the Texas Senate and House of Representatives.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

LEGISLATIVE BUDGET BOARD MEMBERS APPOINTED

The President announced the following appointments to the Legislative Budget Board:

Senator Kent Caperton
Senator Ray Farabee
Senator Grant Jones
Senator John Montford

SENATE RULE 37 SUSPENDED

On motion of Senator Edwards and by unanimous consent, Senate Rule 37 was suspended in order that the nominations reported today by the Committee on Nominations might be considered immediately.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

Senator Edwards moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 31, Nays 0.

Member, Texas State Board of Public Accountancy: PAUL W. HILLIER, JR., Dallas County.

Member, Texas Board on Aging: DR. GARY R. COOK, McLennan County.

Members, Credit Union Commission: DONALD GREG STORCH, Harris County; JIMMY F. SASSER, Hidalgo County.

Member, Board of Directors, Nueces River Authority: KENNETH B. SHACKELFORD, Real County.

Members, Board of Directors, Rio Grande Valley Municipal Water Authority: CHARLES CAESAR CARDENAS, Hidalgo County; CONNIE de la GARZA, Cameron County; DR. JOSEPH B. COULTER, Cameron County; MRS. SYLVIA H. FLORES, Hidalgo County; ROEL R. RAMIREZ, Starr County; JOHN W. TOPP, Cameron County; RUSSELL FRED KLOSTERMANN, Willacy County.

Member, Texas Advisory Commission on Intergovernmental Relations: DON R. WINDLE, Denton County.

SENATE BILL 23 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 23, Repealing Section 6(f), Texas Pawnshop Act, (Article 5069-51.06, Vernon's Texas Civil Statutes), as added by Section 5, **H.B. 1230**, 70th Legislature, Regular Session, 1987.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 23 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 38 ON SECOND READING

Senator McFarland asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 38, Relating to the authority of a municipality to contract for jail facilities and the operation of those facilities.

There was objection.

Senator McFarland then moved to suspend the regular order of business and take up **S.B. 38** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Anderson, Armbrister, Blake, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Zaffirini.

Nays: Barrientos, Brooks, Truan, Uribe, Washington.

Absent: Farabee, Green, Lyon, Whitmire.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend Section 1 of **S.B. 38** as follows:

(a) Art. 5115e subsection (b)(3) beginning on lines 23 of page 1 be amended to read as follows:

(3) if the contract includes construction, provide for a performance bond and a payment bond specifically approved by resolution of the governing body as being adequate for the proposed contract and issued only by a surety authorized to do business as a surety in this state and regulated by the State Board of Insurance.

(b) Art. 5115e subsection (b)(9) beginning on line 21 of page 2 be amended to read as follows:

(9) require that any improvement to real property occurring as a result of the contract be awarded pursuant to a competitive proposal procedure under which quotations and proposals are solicited by advertisement in the same manner as provided in the competitive bidding procedure specifying the relative importance of price and other evaluation factors. The award shall be made to the responsible offeror whose proposal is determined to be the lowest evaluated offer resulting from negotiation taking into consideration the relative importance of price and other evaluation factors set forth in the request. Discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and revisions may be permitted after submission and before award for the purpose of obtaining the best and final offers.

The committee amendment was read and was adopted viva voce vote.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 38** by amending Subsection (a) of Article 5115e to read as follows:

(a) The governing body of a municipality may contract with a private vendor or a county to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail, detention center, work camp, or related facility.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 38 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 38 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Anderson, Armbrister, Blake, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Zaffirini.

Nays: Barrientos, Brooks, Truan, Uribe, Washington.

Absent: Farabee, Green, Lyon, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 5. (Same as previous roll call)

SENATE BILL 30 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 30, Relating to the right of water service of land adjacent to or near a water improvement district.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Amend S.B. 30 by striking all below the enacting clause and substituting the following:

SECTION 1. (a) In addition to other authority granted by the laws of this state, the El Paso County Water Improvement District No. 1 may transfer to any other district created under Article XVI, Section 59, of the Texas Constitution, any water right of the El Paso County Water Improvement District No. 1.

(b) The transfer of a water right under this section must be made in compliance with state law.

(c) A district created under Article XVI, Section 59, of the Texas Constitution, may accept transfer of a water right from the El Paso County Water Improvement District No. 1 as provided by this section.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 30 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 35 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 35, Relating to the offense of aggravated sexual assault.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 35 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 35** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE**SENATE BILL 15 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 15, Relating to the fee that the county treasurer or an officer acting in place of the county treasurer may charge for a returned check.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 15 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 15** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 40 ORDERED NOT PRINTED

On motion of Senator Brooks and by unanimous consent, S.B. 40 was ordered not printed.

SENATE BILL 40 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 40, Relating to the levy of a maintenance and operation tax for the operation of the ports and harbors of certain cities; providing for the preparation and adoption of budgets for the ports and harbors of certain cities.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 40 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 40 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider the following bills at 9:00 a.m. tomorrow:

S.B. 58

H.B. 64

CONGRATULATORY RESOLUTIONS

H.C.R. 43 - (Brooks): Commending J. P. (Red) Bonnette, Jr.

S.R. 67 - By Caperton: Extending congratulations to Mrs. Mickey Neel on being named Outstanding Line Officer of the Nation by the American Probation Parole Association.

S.R. 69 - By Zaffirini: Extending congratulations to Renee Van Wisse.

RECESS

On motion of Senator Brooks, the Senate at 11:59 a.m. took recess until 11:00 a.m. tomorrow.

SEVENTH DAY

(Continued)

(Thursday, July 9, 1987)

AFTER RECESS

The Senate met at 11:00 a.m. and was called to order by the President.